

6145. Misbranding of cottonseed meal. U. S. * * * v. Southland Cotton Oil Co., a corporation. Plea of nolo contendere. Judgment of guilty. Fine, \$50. (F. & D. No. 7699. I. S. No. 19741-1.)

On December 9, 1916, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Southland Cotton Oil Co., a corporation, Paris, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 21, 1915, from the State of Texas into the State of Michigan, of a quantity of an article labeled in part, "Sunset Brand Prime Cotton Seed Meal and Cake," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Total ammonia (per cent)_____	7.58
Protein (N x 6.25) (per cent)_____	38.9
Total nitrogen (per cent)_____	6.23
Crude fiber (per cent)_____	12.3

The product contains less ammonia, protein, and nitrogen, and more fiber than are declared on the label.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis: Ammonia 8 to 8½% (Not less than 8%) Protein 41 to 43% (Not less than 41%) * * * Nitrogen 6½ to 8% (Not less than 6½%) * * * Fiber (Maximum) 8 to 10% (Not more than 10%)," borne on the tags attached to the sacks, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 8 per cent of ammonia, not less than 41 per cent of protein, not less than 6½ per cent of nitrogen, and not more than 10 per cent of fiber; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 8 per cent of ammonia, not less than 41 per cent of protein, not less than 6½ per cent of nitrogen, and not more than 10 per cent of fiber, when, in truth and in fact, it contained less than the amounts indicated of ammonia, protein, and nitrogen, and more than 10 per cent of fiber, to wit, approximately 7.58 per cent of ammonia, approximately 38.90 per cent of protein, approximately 6.23 per cent of nitrogen, and approximately 12.3 per cent of fiber.

On October 17, 1917, the defendant company entered a plea of nolo contendere to the information, and the court entered a judgment of guilty and imposed a fine of \$50.

R. A. PEARSON, *Acting Secretary of Agriculture.*

6146. Misbranding of maple and refined sugar sirup. U. S. * * * v. Sylvester B. Rogers and Fred H. Rogers, copartners, (S. B. Rogers & Son). Pleas of guilty. Fine, \$25. (F. & D. No. 7708. I. S. Nos. 601-1, 1540-1.)

On January 23, 1917, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Sylvester B. Rogers and Fred H. Rogers, copartners, trading under the name of S. B. Rogers & Son, Elmira, N. Y., alleging shipment by said defendants, on or about October 28, 1915, and April 21, 1916, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of Pennsylvania, of quantities of an article labeled in part, "Fancy Maple and Refined Sugar Syrup, $\frac{1}{2}$ Gallon, manufactured by S. B. Rogers & Son, Elmira, New York," which was misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

Shipment of April 21, 1916.

No.	Net contents.	Shortage.
	<i>Gallon.</i>	<i>Per cent.</i>
1	0.462	7.6
2 .....	.462	7.6
3 .....	.462	7.6
4 .....	.459	8.2
5 .....	.458	8.4
6 .....	.462	7.6

Average shortage (per cent) 7.8.

Capacity of cans was less than $\frac{1}{2}$ gallon.

Shipment of October 28, 1915.

No.	Net contents.	Shortage.
	<i>Gallons.</i>	<i>Per cent.</i>
1	0.47	6.0
2 .....	.452	9.6
3 .....	.462	7.6

Average shortage (per cent) 7.7.

Misbranding of the article in each shipment was alleged in the information for the reason that the statement, to wit, " $\frac{1}{2}$ gallon," borne on the label attached to the can, regarding the article, was false and misleading in that it represented that the can contained $\frac{1}{2}$ gallon of the article; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained $\frac{1}{2}$ gallon of the article, whereas, in truth and in fact, it did not, but contained a less amount. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 19, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25.

R. A. PEARSON, *Acting Secretary of Agriculture.*